

# INSTRUCTIONS ON STYLE FOR THE WASHINGTON ADMINISTRATIVE CODE (WAC) 2009

## (1) PUNCTUATION AND GRAMMAR

(a) **Commas.** "It is urged that the comma is the lowest and least significant of all punctuation marks . . . We must confess, however, to a very high regard for the lowly comma." *Peters v. Watson Co.*, 40 Wn.2d 121 (1952). The comma is to be used only if required. The most important uses of the comma are described in the following:

(i) In a series of three or more words or phrases, a comma is used after each item except the last, as in "officers, deputies, and employees." This rule applies to both conjunctive, "and," and disjunctive, "or," series.

(ii) A nonrestrictive clause is set off by commas, but a restrictive clause, which is essential to the meaning of the word being modified, should not be set off by commas. Compare the following two sentences, which illustrate a restrictive clause and a nonrestrictive clause, respectively:

Men who hate football should stay home.

Men, who hate football, should stay home.

(iii) A comma is used to separate the independent clauses of a compound sentence, but it should not be used to separate the noun from the verb in a simple sentence. The following examples illustrate the proper use and omission of commas in a simple sentence and a compound sentence, respectively:

The board may adopt rules to implement this chapter and shall report annually to the governor.

The board may adopt rules to implement this chapter, and the board shall report annually to the governor.

(iv) Always place commas around the year when used in a date, thus: For the period from December 1, 2005, through December 1, 2007, the rate must . . .

(v) If a qualifying phrase applies to all antecedents instead of only to the immediately preceding one, separate the qualifying phrase from the antecedents with a comma. *Judson v. Associated Meats and Seafoods*, 32 Wn. App. 794, 801 (1982). See Part II (11)(v) of this guide about the last antecedent rule.

(b) **Semicolons.** A semicolon is not used where a comma will suffice, but is to be used to separate phrases already containing commas. A semicolon, not a period, is used following each item in a series listing that is introduced by a colon, thus:

The board has the following powers and duties:

- (1) Inspection of all dental appliances for safety, durability, and ease of operation;
- (2) Licensing of all dental appliance manufacturers; and
- (3) Regulation of dental appliance retailers.

### (c) **Tabulation.**

(i) Break a sentence into its parts and present them in tabular form only if this makes the meaning substantially clearer.

(ii) Use a single "or" to indicate the disjunctive and a single "and" to indicate the conjunctive at the end of the next to last item in a series. Use a semicolon at the end of each item in the series.

(iii) As an alternative to using "or" or "and" to indicate the disjunctive or conjunctive in a series, use a phrase in the introductory clause of the series that clearly expresses how many of the following items are to be included, such as, "any of the following," "one of the following," "all of the following," or "any one or more of the following."

(iv) Language that qualifies all of the items should not be included in the last item of the tabulation.

(v) Do not place a sentence or paragraph after a tabulation. If the sentence or paragraph is not part of the tabulated series, draft it as a separate subsection or paragraph.

(d) **Provisos.** Provisos should not be used. See discussion in Part II (11)(i) of this guide. If used, the proviso should be preceded by a colon. The words "PROVIDED," or "PROVIDED FURTHER," are written in capitals followed by the word "That," thus: "PROVIDED, That . . ."

(e) **Colons.** A colon is used to introduce a list or a proviso, as shown in (1)(b) and (d) of this subsection.

(f) **Quotation marks.** Quotation marks are used to set off a particular word or phrase under discussion, as in a definition of a term.

If the end of a quotation coincides with another punctuation mark, several rules should be observed. Periods and commas are always placed inside the quotation marks. All other punctuation marks, such as colons, semicolons, question marks, and exclamation points are placed inside the quotation marks only if they are part of the material being quoted.

(g) **"Shall," "may," and "must."**

(i) Since a statute speaks at the time it is read, it should be drafted in the present tense. Thus, the word "shall" should not be used to state a proposition in the future tense. "Evidence is admissible . . ." is preferable to "Evidence shall be admissible . . ." See *Sutherland* § 21.10; 4 *John Marshall L.Q.* 204.

(ii) "Shall" should only be used to mean "has a duty to." That is, to require the performance of an act. For example, "the governor shall appoint a director . . ."

Avoid using a negative subject with an affirmative shall, "A person may not . . ." is preferable to "No person shall . . ." The latter means that no one is required to act. So read, it negates the obligation, but not the permission, to act. On the other hand, "A person may not . . ." negates also the permission and is, therefore, the stronger prohibition. To avoid confusion, the drafter should use the affirmative form, "A person may not . . .," rather than negative forms such as "No person may . . ." or "No person shall . . ." "Shall not" should only be used to mean "has a duty not to."

"May" indicates discretion and is used to confer a right, privilege, or power. *Faunce v. Carter*, 26 Wn.2d 211, 215 (1946); but cf. *Buell v. City of Toppenish*, 174 Wash. 79 (1933).

Do not confuse the words "may" and "might." "May" confers authority, as in "A person may file a petition." "Might" describes a possibility, as in "They might want coffee."

For a discussion of "may," "shall," and "must," see *Garner*.

(iii) To determine whether the use of "shall" or "may" is correct, a helpful test is to mentally substitute for the word "may" the words "has the authority to" and substitute for the word "shall" the words "has the duty to." This reading will make it readily apparent whether the usage is correct.

(iv) "Must" creates a condition precedent. Use "must" if the verb it qualifies is an inactive verb or an active verb in the passive voice. Examples: The applicant "must be" (inactive verb) an adult. Prior convictions "must be set forth" (active verb in passive voice) in the application.

Use "must not" if the verb it qualifies is an inactive verb or an active verb in the passive voice. Example: The applicant "must not be" (inactive verb) a convicted felon. The application "must not be filed" before the end of the reporting period.

Active voice is preferable to passive voice. If the word "must" seems appropriate because of passive voice, the drafter should improve the phrase to avoid ambiguity. See (h)(iii) of this subsection.

**(h) Tense, mood, and voice.**

(i) Use the present tense instead of the future tense. "A person who violates this section . . ." is preferable to "A person who shall violate this section . . ." Similarly, use the present perfect tense instead of the future perfect tense. "After apprehending a person who has violated this section . . ." is preferable to "After apprehending a person who shall have violated this section . . ."

(ii) Proper drafting uses both the indicative mood and the imperative mood, but the uses of the two moods are distinct. The proper role of the imperative mood is to create a legal duty or prescribe a rule of conduct, as in, "The department shall adopt rules." The imperative mood should not be used merely to state a legal result. "This chapter shall not apply to . . ." and "'Vehicle' shall mean . . ." are both "false imperatives" because the purpose of the provision is achieved by the very act of declaring the legal result. As self-executing provisions, the indicative mood is proper. Thus, "This chapter applies to . . ." and "'Vehicle' means . . ." In neither situation is the subjunctive mood appropriate, as in "If the director shall decide that . . ." See *Dickerson* § 6.6.

(iii) The active voice is preferable to the passive voice. The active voice forces the drafter to identify the party who is required or authorized to act. Thus, "The commission shall adopt rules . . ." is less ambiguous than "Rules shall be adopted . . ." or "Rules must be adopted . . ."

(i) **Fewer, less.** "Fewer" refers to number, individual countable items. "Less" refers to degree or quantity, general amounts. Examples: "Nonfat milk has fewer calories than whole milk." "We have less milk than I thought."

(j) **Words and phrases to avoid.** Ambiguity, wordiness, and legalese can be eliminated by using the suggested substitutes for the following words or phrases.

**Avoid**

afforded or accorded  
aforesaid, aforementioned, before-mentioned  
and/or  
any and all

**Use**

given  
"the," "that," or "those"  
"either A or B, or both"  
(either word)

## **Avoid**

as provided in this chapter  
at such time as  
at the time of  
authorized and empowered to  
be and the same is hereby  
carry out  
commence  
constitute and appoint  
deal with  
deemed to be  
during such time as  
during the course of  
each and all  
either directly or indirectly  
employ (meaning to use)  
etc.  
every person, all persons  
except when otherwise provided  
expend  
fail, refuse, or neglect  
following section  
formulate  
for the duration of  
for the reason that  
forthwith  
from and after  
from July 1st  
full and complete  
give consideration to  
greater than  
has the duty to  
have need of  
hereafter  
hereby  
herein, hereinafter, hereinbefore, hereinabove, above,  
below, following, preceding  
  
heretofore

## **Use**

(usually unnecessary-delete)  
when  
when  
may  
is  
"execute" or "complete"  
begin  
appoint  
"address" or "conduct"  
is  
while  
during  
(either word)  
(delete)  
use  
(delete)  
a person  
(delete)  
spend  
fail  
section (fill in number)  
make  
during  
because  
immediately  
after  
after June 30th  
full  
consider  
more than  
shall  
need  
after the effective date of this act (or section)  
(delete)  
(These are objectionable if referring to the position of a  
section or other position; if reference is necessary,  
specify the title, chapter, section, or subsection by  
number.)  
before the effective date of this act (or section)

## **Avoid**

in case  
in order to  
inquire  
institute (verb)  
in the event that  
in the interests of  
is able to  
is applicable  
is authorized to  
is binding upon  
is defined as and shall be construed to mean  
is directed to  
is empowered to  
is entitled to  
is hereby authorized to and it shall be his duty to  
is required to  
is unable to  
it is his duty to  
it is lawful to  
make application  
make payment  
make provision for  
means and includes  
modify  
necessitate  
no later than June 30th  
none whatever  
not later than  
null and void  
occasion (verb)  
of a technical nature  
on and after July 1st  
on his own application  
on or after July 1st  
on or before July 1st  
operable  
or, in the alternative  
per annum  
per centum

## **Use**

if  
to  
ask  
"begin" or "start"  
if  
for  
can  
applies  
may  
binds  
means  
shall  
may  
may  
shall  
"shall" (if action) or "must" (if condition)  
cannot  
shall  
may  
apply  
pay  
provide for  
"means" or "includes" as required  
change  
require  
by July 1st  
"none" or "no"  
by  
void  
cause  
technical  
after June 30th  
at his or her request  
after June 30th  
by July 1st  
operative  
or  
a year  
percent

## **Avoid**

period of time  
prior to  
promulgate  
provided (conjunction)  
provided, however that  
provision of law  
purchase  
pursuant to  
regulations  
render (meaning "to give")  
retain  
rules and regulations  
said  
same  
shall be  
shall be construed to mean  
shall be deemed to be  
shall constitute  
shall have the power to  
shall mean  
sole and exclusive  
subject to the provisions of  
subsequent to  
such  
suffer  
terminate  
the provisions of section 5  
to wit  
under the provisions of  
unless and until  
until such time as  
utilize  
whatsoever  
whensoever  
wheresoever  
whomsoever  
whosoever

## **Use**

"period" or "time" as required  
before  
adopt  
"if" or "but"  
"except," "but," or "however," or start new sentence  
law  
buy  
under  
rules  
give  
keep  
rules  
"the," "that," or "those"  
(appropriate pronoun)  
is  
means  
is  
is  
may  
means  
exclusive  
under  
after  
the  
allow  
end  
section 5  
(delete or use "namely")  
under  
"unless" or "until" as required  
until  
use  
whatever  
"when" or "if"  
where  
(archaic; improper)  
whoever

Do not use made-up words ending in "-ize" or "-ization," such as "prioritize" or "prioritization."

Avoid adjectives such as "real," "true," and "actual" and adverbs such as "duly" and "properly." Since these ideas are normally implied, expressing them in some instances creates doubt that they are implied elsewhere.

Avoid the use of "such." Substitute "the," "that," or another pronoun. Ordinarily, "such" requires the addition of "a" before a true singular noun; for example, "such a person."

(k) **Italics.** Italics are used in these instances:

(i) Case names. The case name is italicized, but the location information is not. For example: *Citizens Council v. Bjork*, 84 Wn.2d 891 (1975); and

(ii) Scientific names. For example, the state fossil is the Columbian mammoth of North America (*Mammuthus columbi*). The scientific name is always italicized, with the first word capitalized and the second and subsequent words, no matter what their derivation, not capitalized. If only the genus name is used (in this case, *Mammuthus*), it is still capitalized and italicized. The scientific name is placed in parentheses after the popular name, if used, but may also be referred to alone. Groups of higher ranks, such as phyla, classes, or orders, such as in "the phylum Brachiopoda," are not italicized.

(iii) Names of publications.

## (2) NUMBERS

(a) **Quantities and amounts** should be written in words, not figures, as:

one and one-half

two and one-tenth percent

twenty-seven one-thousandths

four hundred sixty-seven feet

population of twenty thousand

one hundred sixteen dollars

nine hundred dollars and sixty-three cents

six percent

The general appropriation bill and other budgets are exceptions to this rule.

Do not repeat numbers in bracketed numerals.

Compound numbers from twenty-one to ninety-nine are hyphenated. Fractions are also hyphenated unless the numerator or denominator is a compound number that also requires a hyphen.

Examples:

two-thirds

two thirty-thirds

twenty-three one-hundredths

**(b) Dates.**

1980s (no apostrophe)

32°F (no spaces)

April 1, 2005,

April 1st

first day of April

first of April

April 2nd

March 31st

September 30th

the 2005-06 school year

the 2005-2007 biennium

January 2005 (no commas)

January 2005 through June 2005 (no commas)

January 1, 2005, through June 1, 2005, (commas on each side of year)

**(3) CAPITALIZATION**

Observe the following capitalization in drafting bills. Note that resolutions, memorials, and amendment headings require more liberal capitalization. See examples in Part II (12) of this guide.

If using the scientific name of a plant or animal, capitalize the genus but not the species. See RCW 77.08.030.

**Do not capitalize**  
chapter

**Capitalize**  
Administrative Procedure Act



**Do not capitalize**

chapter 19.86 RCW  
 city  
 civil rule 60  
 congress  
 county  
 fax  
 federal  
 governor  
 house of representatives  
 internet  
 legislature  
 line  
 medicaid  
 medicare  
 names of boards, bureaus,  
     departments, or officers  
 names of state funds  
 page  
 section  
 senate  
 spring quarter  
 state  
 zip code

**Capitalize**

Cascade mountains  
 Centers for Medicare and Medicaid Services (federal)  
 Coast Guard  
 Columbia River  
 Columbia and Snake rivers  
 C.F.R. Part 84  
 First word after a colon  
 Geographical names  
 Names of colleges and universities  
 counties  
 Names of nations, states, cities, towns, and  
 Northwest power planning council  
 Pacific Northwest  
 Pacific time  
 Pascals  
 Puget Sound  
 Revised Code of Washington  
 Thurston County  
 Thurston and Pierce counties  
 Title 67 RCW  
 Washington Administrative Code  
 Washington State Register  
 X ray (noun)  
 X-ray (adjective)

**(4) SPELLING**

(a) Write:

acknowledgment  
 a.m.  
 archaeological  
 attorneys' fees  
 attorneys general  
 benefited  
 benefiting  
 canceled  
 canceling  
 cancellation  
 capital (meaning city or money)

gases  
 kidnapped  
 kidnapping  
 knowledgeable  
 master's degree  
 moneys  
 p.m.  
 rescission  
 therefor (for)  
 therefore (only if meaning consequently)  
 totaling

capitol (meaning buildings)  
 commitment  
 exceedance  
 fulfill

traveled  
 traveling  
 veterans' administration  
 willful

(b) The following are written as **one word**:

aircraft, air . . .	finfish	pretext (most words containing “pre”)
antifreeze	firefighter	punchcard
antirepeat	framework	quitclaim
autoignition	handbill	racetrack
B&O	handwashing	ratemaking
biannual	houseboat	ratepayer
biannually	inpatient	rearview
bimonthly	insofar	recordkeeping
biweekly	intercounty	runoff
bloodborne	landowner	safekeeping
bylaw	layoff (noun)	setoff (noun)
cannot	letterhead	shorelands
caregiver	marketplace	sightseeing
carpool	motorboat	statewide
certificateholder	“Multi” words, except those beginning with an “i,” are written as one word	stepparent
checkbox	muzzleloader	textbooks
childbirth	nighttime	tidelands
cleanup (noun)	nonjudicial (most words containing “non”)	timeline
cochair	ongoing	trademark
coextensive	parimutuel	underserved
collocate	payoff (noun)	videorecorder
copay	percent	videotaped
copayment	pickup	wastewater
councilmember	policymaker (noun or adjective)	waterworks
counterclaim	postconsumer	weighmaster
courthouse	postgraduate	workday
crosswalk	postproject	workload
cutoff	postretirement	workplace
dropout	posttrial (most words containing “post”)	worksite
facepiece		workspace

(c) The following are written as **two words**:

air space	lien holder
at large	in situ
bore hole	job site
candle power	motor home
cash out	on board
case finding	park owner
child care	part time
coin operated	pay off (verb)
course work	per annum
cut off (verb)	per capita
data base	poll site
day care	post anesthetic
decision making (noun)	post office
de minimis	power line
en route	pro rata (but prorated)
ex officio	punch board
face shield	ride sharing
fact finder	rule making (noun)
first aid	Sol Duc
first class	stock water
flood plain	storm water
food fish	stream flow
food handling	street car
forest land	time frame
free fall	time loss
full time (adverb)	to wit
game fish	traffic control
gill net	water body
gray (grey) water	web site
ground water	work force
health care	work station
horse racing	X ray (noun)

**Note:** Some of these two-word phrases should be hyphenated if used as compound adjectives. For examples, see (e) of this subsection.

(d) The following are written as **three words**:

attorney at law  
attorney in fact

finding of facts  
miles per hour  
out of country  
reduction in force  
right of way

(e) The following are written as **hyphenated words**:

before-and-after-school	off-road
by-product	off-site
clean-up (adjective)	one-of-a-kind
co-hosted	on-line
co-owner	on-road
cost-of-living	on-site
court-martial	out-of-state
co-worker	post-closure
cross-examined	post-harvest
cross-pollination	post-mortem
cross-reference	pull-tabs
decision-making (adjective)	quasi-judicial
e-mail	quasi-municipal
even-numbered	ride-sharing (adjective)
ex-spouse	rule-making (adjective)
fact-finder	run-on
fact-finding	second-hand (adjective)
full-facepiece	self-esteem
full-time (adjective)	self-incrimination
fund-raiser	self-insurance
fund-raising	self-insurer
half-facepiece	self-service
hands-on	semi-trailer
in-kind	so-called
in-service	start-up
in-state	toll-free
limited-access (highway)	trade-off
limited-English-speaking	Tri-Cities
long-range	up-to-date
man-made	vice-chair
nine-month period	vice-president
non-Indian	well-being
off-site	world-wide

one-half  
odd-numbered

X-ray (adjective)  
year-round

Adjectives composed of two or more words are usually hyphenated when they precede a noun, even though the phrase would not be hyphenated if standing alone, such as "low income," "one year," "full time," and "part time." Example:

Low-income persons may serve three-year terms.

This is necessary to avoid ambiguity. Compare the following sentences:

A patron may purchase two dollar tickets.  
A patron may purchase two-dollar tickets.

The ill educated man sold a little used car.  
The ill-educated man sold a little-used car.

He came across a man eating tiger.  
He came across a man-eating tiger.

Do not hyphenate between an adverb ending in "ly" and the adjective it modifies. For example, "substantially new construction" does not need a hyphen.

## **(5) SUBSECTIONS**

(a) Subsections and subparagraphs are enumerated as follows:

- (1)
- (2)
- (a)
- (b)
- (i)
- (ii)
- (iii)
- (A)
- (B)
- (I)
- (II)

Subsections (1), (2), (3)  
Subdivisions (a), (b), (c)  
Items (i), (ii), (iii)  
Subitems (A), (B), (C)

(b) Internal references to these subdivisions may be made as follows:

section 29(1)(a)(iii) of this act

subsection (1) of this section

subsection (2)(a)(i) of this section

subsections (1) and (2) of this section

subsection (1) or (2) of this section

subsection (1)(a) and (b) of this section

subsection (1)(a) or (b) of this section

(a) of this subsection

(a)(iii) of this subsection

## **(6) CITATIONS**

### **(a) To the Washington Administrative Code.**

#### **(i) WAC sections.**

WAC (no periods between letters)

WAC 1-21-010

WAC 1-21-010(3) (not "subsection (3) of WAC 1-21-010")

WAC 1-21-010 (3)(a)(ii)

WAC 1-21-010 (3) and (5)

WAC 1-21-010 and 1-21-015

WAC 1-21-010, 1-21-016, and 1-21-037

WAC 1-21-010 through 1-21-140 (for an inclusive string)

#### **(ii) WAC chapters.**

chapter 1-21 WAC

chapter 1-04 or 1-21 WAC

chapters 1-04 and 1-21 WAC

chapters 1-04, 1-06, and 1-21 WAC

(iii) **WAC titles.**

Title 1 WAC

Titles 1 and 16 WAC

Titles 1, 16, and 246 WAC

(b) **To the Revised Code of Washington.**

(i) **RCW sections.**

RCW (no periods between letters)

RCW 1.08.010

RCW 1.08.010(3) (not "subsection (3) of RCW 1.08.010")

RCW 1.08.010 (3)(a)(ii)

RCW 1.08.010 (3) and (5)

RCW 1.08.010 and 1.08.015

RCW 1.08.010, 1.08.016, and 1.08.037

RCW 1.08.010 through 1.08.140 (for an inclusive string)

(ii) **RCW chapters.**

chapter 34.05 RCW

chapter 24.03 or 24.06 RCW

chapters 24.03 and 24.06 RCW

chapters 24.03, 24.06, and 34.05 RCW

(iii) **RCW titles.**

Title 43 RCW

Titles 43 and 44 RCW

Titles 34, 43, and 90 RCW

(iv) **Session laws.**

section 3, chapter 113, Laws of 1935

section 2, chapter 5, Laws of 1994 sp. sess.

section 45, chapter 2, Laws of 1995 1st sp. sess.

section 5, chapter 93, Laws of 1967 ex. sess.

section 9, chapter 176, Laws of 1975 1st ex. sess.

Sessions that are not regular sessions are referred to as "special" sessions. Before 1991, these sessions were referred to as "extraordinary" sessions.

See discussion in Part II (2)(c)(iv) of this guide as to which years require the special session to be designated 1st or 2nd.

(c) **To the state Constitution.**

Article VII, section 2 of the state Constitution

Article II, section 1(b) of the state Constitution

section 2 of this article

(d) **To federal law.**

(i) Federal statutes. If possible, cite both the Statutes at Large and the United States Code:

- section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3))
- the G.I. Bill of Rights (58 Stat. 284; 38 U.S.C. Sec. 693)
- the federal comprehensive employment and training act (87 Stat. 839; 29 U.S.C. Sec. 801 et seq.)

Do not cite the unofficial U.S.C.A.

(ii) Public laws.

P.L. 94-115

(iii) Federal Register.

47 C.F.R. Sec. (year)

(e) **Other citations** should conform to *A Uniform System of Citation* (Harvard Law Review Association, 17th ed. 2000).



In case of doubt as to word or punctuation styles other than those listed in this guide, the *U.S. Government Printing Office Style Manual* (United States Government Printing Office, 1984) may be consulted.

## **MISCELLANEOUS**

Punctuation is always included in bold.

Punctuation is not included in italics.

Title, chapter and section captions are written with the first word of the caption and the first word after a dash capitalized.